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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,411	06/07/2001	Junichi Toyoda	09792909-5067	7306

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ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE, LYONS AND KITZINGER, LLC
SUITE 5450 SEARS TOWER
CHICAGO, IL 60606-6306

EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/876,411	Applicant(s) TOYODA ET AL.	
	Examiner Thjuan P. Knowlin	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/06/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 02, 2006 has been entered. Claims 1 and 3 have been amended. No claims have been cancelled. No claims have been added. Claims 1-18 are still pending in this application, with claims 1 and 3 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotsuka (US 6,057,796), in view of Paulick (US 5,710,987).

4. In regards to claims 1, 2, 17, and 18, Kotsuka discloses a communication apparatus (e.g. portable electronic apparatus) comprising: a conductive case (e.g. housing of an electronic apparatus) for surrounding and housing all or part of the signal processing circuit, and an electro-magnetic wave absorber (See Fig. 5A – Fig. 7A and col. 1 lines 34-39) with one surface adjacent a predetermined area of the conductive case for absorbing electro-magnetic waves in order to reduce electro-magnetic waves reaching a user of the communication apparatus, and wherein the electromagnetic wave absorber does not provide a signal that is processed by the communication apparatus (See col. 4 lines 45-54), and a conductive member (See Fig. 5A and conductive plate 19) provided at another surface of the electro-magnetic wave absorber

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and being electrically connected to the conductive case (See col. 2-3 lines 60-13).

Kotsuka, however, does not disclose an antenna for transmitting and/or receiving a wireless signal, and a signal processing circuit for processing a signal corresponding to a wireless signal received by the antenna. Paulick, however, discloses an antenna (See Fig. 1, Fig. 2, and radiotelephone antenna 108) for transmitting and/or receiving a wireless signal (See col. 2 lines 31-33), and a signal processing circuit (See Fig. 2 and radiotelephone transceiver circuitry 224) for processing a signal corresponding to a wireless signal received by the antenna (See col. 3 lines 4-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ these limitations within the apparatus as a way for the portable electronic apparatus or communication apparatus to receive and transmit signals.

5. In regards to claims 3, 7, 8, 9, 12, 13, 15, and 16, Kotsuka discloses all of claims 3, 7, 8, 9, 12, 13, 15, and 16 limitations, except a portable telephone comprising: an antenna for transmitting and/or receiving a wireless signal, a microphone for generating a sound signal corresponding to an input sound, and a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone. Paulick, however, discloses an antenna for transmitting and/or receiving a wireless signal (See col. 2 lines 31-33), a microphone (See Fig. 1 and microphone 116) for generating a sound signal corresponding to an input sound, and a circuit for generating a wireless signal corresponding to said sound signal generated by said microphone (See col. 3 lines 4-19).

6. In regards to claims 4 and 14, Kotsuka discloses all of claims 4 and 14 limitations, except a portable telephone, wherein said circuit comprises: a transmitting circuit for generating a wireless signal corresponding to a sound signal from the microphone, a receiving circuit for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal, and a printed circuit board containing the transmitting circuit and the receiving circuit. Paulick, however, discloses a portable telephone, wherein said circuit comprises: a transmitting circuit (See Fig. 2 and transceiver circuitry 224) for generating a wireless signal corresponding to a sound signal from the microphone (See col. 3 lines 4-19), a receiving circuit (See Fig. 2 and pager receiver circuitry 218) for generating a sound signal in response to a wireless signal received by the antenna and outputting the sound signal (See col. 3 lines 4-19), and a printed circuit board (See Fig. 2 and printed circuit board 226) containing the transmitting circuit and the receiving circuit (See Fig. 2).
7. In regards to claims 5, 6, 10, and 11, Kotsuka discloses a portable telephone, wherein said electro-magnetic wave absorber is arranged at a surface of said shield case (e.g. housing of an electronic apparatus) close to a head of a user of the portable telephone at the time of a call (See col. 4 lines 45-54).

Response to Arguments

8. Applicant's arguments filed 07/02/06 have been fully considered but they are not persuasive.

9. Applicants argue that the Kotsuka reference, is directed to a piece of test equipment and a test structure that is used in evaluating the electromagnetic wave absorbing characteristics of the material described in the reference, and that no one would ever contemplate using the test structure in combination with the subject matter described in the cellular telephone reference (i.e., the Paulick reference), to arrive at a combined structure. Applicants state that the combination of the above references does not make sense, as one would never incorporate a piece of electromagnetic wave absorbing test structure into a cellular telephone. Applicants further argue that there is simply no indication whatsoever that the electromagnetic wave absorbing material described in the Kotsuka reference is intended to be used with a conductive plate at a time other than during a test procedure. Further, Applicants state that the Kotsuka reference provides no teaching or suggestion whatsoever regarding the use of the electromagnetic wave absorbing material in a cellular telephone and providing a conductive plate on one side of the material with an electrical connection from the plate to a conductive case that surrounds the circuitry of the telephone.

10. In regards to Applicants' arguments concerning the Kotsuka reference being directed to a piece of test equipment and a test structure that is used in evaluating the electromagnetic wave absorbing characteristics of the material described in the reference, and that no one would ever contemplate using the test structure in combination with the subject matter described in the cellular telephone reference (i.e., the Paulick reference), to arrive at a combined structure, Examiner respectfully disagrees. Applicants appear to only be focusing on the perspective test piece for use

in an experiment, shown in Fig. 1. However, the prior art discloses an electromagnetic wave absorber, which is suitable for a portable electronic apparatus, such as a cellular phone (See Abstract and col. 1 lines 34-39). The “test piece”, shown in Fig. 1A, which Applicants seem to consistently focus on, is merely that, a test piece. It was simply used, within an experiment, as a way of testing the functionality of the electromagnetic wave absorber, for its intended use. The “test piece”, by itself, is not the sole invention. The invention, as taught in the Kotsuka reference, discloses an electromagnetic wave absorber (See Fig. 6A-6B), which is suitable for a portable electronic apparatus, such as a cellular phone (See Abstract). This feature is also disclosed in Paulick (See col. 5 lines 15-21 {Claim 6} and col. 6 lines 22-26 {Claim 17}).

11. In regards to Applicants’ argument that there is simply no indication whatsoever that the electromagnetic wave absorbing material described in the Kotsuka reference is intended to be used with a conductive plate at a time other than during a test procedure, Examiner respectfully disagrees. The Kotsuka reference clearly teaches and discloses that a conductive plate and/or material, is used within the electromagnetic wave absorber (See Fig. 5A-5B and Fig. 6A-6B) itself, and not just within the “test piece” (See col. 1 lines 51-55 and col. 6 lines 27-65).

12. In regards to Applicants’ argument that the Kotsuka reference provides no teaching or suggestion whatsoever regarding the use of the electromagnetic wave absorbing material in a cellular telephone and providing a conductive plate on one side of the material with an electrical connection from the plate to a conductive case that surrounds the circuitry of the telephone, Examiner respectfully disagrees. The Kotsuka

reference clearly teaches and suggests the use of the electromagnetic wave absorbing material (See col. 5 lines 47-67) in a cellular telephone (See Abstract) and providing a conductive plate (See Fig. 5A-5B, conductive plate 19 and Fig. 6A-6B, conductive plates 27) on one side of the material with an electrical connection from the plate to a conductive case that surrounds the circuitry of the telephone (See col. 5 lines 17-39 and col. 6 lines 27-65).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thjuan P. Knowlin



WING CHAN
SUPERVISORY PATENT EXAMINER